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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,945	07/11/2003	Heiner Glombik	02481.1832	2047
5487	7590	02/02/2005	EXAMINER	
ROSS J. OEHLER AVENTIS PHARMACEUTICALS INC. ROUTE 202-206 MAIL CODE: D303A BRIDGEWATER, NJ 08807			PESELEV, ELLI	
			ART UNIT	PAPER NUMBER
			1623	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Claims 1-17 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for compounds of Examples 5, 6, 7, 9, 11, 13, 34, 43, 44, 45, 47, 50, 54 and 56, and a method for lowering blood glucose with said compounds, does not reasonably provide enablement for compounds encompassed by the instant claims which are structurally significantly different from the compounds set forth in the above cited examples and a method of treating diabetes or lowering blood glucose with said compounds. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. The specification on page 38 presents data for 14 specific compounds. All but one of said compounds have structural formulas herein both R1 and R2 are hydrogen atoms and only one compound of example 54 has structural formula wherein R2 is F3. However, the instant claims encompass such structurally divergent compounds wherein, for example, R1 is CON[(C6)-alkyl]2 and R2 is phenyl. Also, in the compounds tested the variable A represents C(O)CH2CH2, CH2, CH2CH2 or CH=CH-CH2, while the instant claims encompass such structurally unrelated compounds as, for example, wherein A represents -N((C1-C6)-alkylphenyl), NH, S or CHF. Further, in the compounds tested Cyc1 represents a thiophene group or a benzene ring. However, the instant claims encompass such structurally unrelated compounds as, for example, Cyc1 representing 3, 4 or 7 membered unsaturated or saturated ring, wherein 1 carbon atom is optionally replaced by O. Since even minor changes in chemical formulas can produce unpredictable changes in activity and since the treatment of diabetes is highly

unpredictable, there is a good reason to doubt that the compounds encompassed by the instant claims are effective for treating diabetes or lowering blood glucose levels.

Claims 1 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 11 are substantial duplicates. Note that claim 11 encompasses nothing more than compounds of claim 1 i.e. a pharmaceutically acceptable carrier has not been set forth.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elli Peselev whose telephone number is (571) 272-0659. The examiner can normally be reached on 9.00-5.30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Wilson can be reached on (571) 272-0661. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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